



Atty. Dkt. No. 065691-0410

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joël RICHARD et al.
Title: METHODS FOR THE
DISPERSION OF WATER-
SOLUBLE OR HYDROPHILIC
SUBSTANCES IN A
SUPERCRITICALLY
PRESSURIZED FLUID
Appl. No.: 10/554,281
International Filing Date: 4/23/2004
371(c) Date: 4/13/06
Examiner: Unassigned
Art Unit: 1796
Confirmation Number: 3043

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action dated May 27, 2008, Applicant hereby provisionally elects Group I, Claims 29-47, for examination, with traverse.

The Examiner has issued a restriction between pending claims 29-47 (Group I), directed to a method for dispersing a water soluble or hydrophilic substance in a supercritical fluid, claims 48-56 (Group II), which are directed to block copolymers and claim 57 (Group III) directed to a method for encapsulation.

As set forth at page 2 of the Office Action, the Restriction Requirement was made under 35 USC § 121 and 372. However, because the instant application is the U.S. national stage of a PCT application, restriction may be required only under the unity of invention rules set forth in 37 CFR § 1.475. See MPEP 1850.

The unity of invention rule set forth in CFR § 1.475 apply during the national stage. Under this rule, claims to different categories of invention will be considered to have unity of invention when the claims are drawn to “[a] product and a process of use of said product.” 37 CFR § 1.475(b)(2).

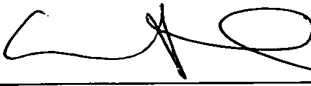
In the present case, the claims of Group II are drawn to a product (a block copolymer having at least one CO₂-philic block), and the claims of Groups II and III are drawn to a process of use of said product. Thus, these claims possess unity of invention under the applicable standards.

Under the Rules applicable to this application, therefore, the restriction requirement between Group I, II, and III is improper. Applicant therefore respectfully urges the Examiner to withdraw the restriction requirement and to examine all pending claims (29-57) in the instant application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 20 June 2008

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Rouget Henschel
Attorney for Applicant
Registration No. 39,221